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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,517	07/16/2003	Katsumi Harumoto	116581	7522
25944	7590	10/05/2004		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				
EXAMINER LEE, SUSAN SHUK YIN				
ART UNIT			PAPER NUMBER	
2852				

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/619,517	HARAMOTO, KATSUMI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan S. Lee	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 17, 18 and 24-29 is/are rejected.
- 7) ☒ Claim(s) 19-23 and 30-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/16/03</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

### **DETAILED ACTION**

The supplemental application data sheet filed 8/2/04 do not comply with MPEP sect. 601.05 **SUPPLEMENTAL ADS SUBMISSIONS** (pages 600-24 – 600-25, Rev. 2, May 2004) which states:

When submitting an application data sheet supplemental to the initial filing of the application, to correct, modify, or augment the original application data sheet, the following applies:

(A) the supplemental application data sheet should be labeled "Supplemental Application Data Sheet; "

(B) a full replacement copy of the original application data sheet should be submitted with any changes or additions underlined. For deletions without replacement data, use strike-through;

(C) the footer information should include the word "Supplemental " in place of "Initial " and should also contain the Application Number and Filing Date.

Applicant must submit a new supplemental application data sheet with corrections shown using underline, and deletions using brackets or strike-through.

### ***Claim Objections***

Claims 23 and 24 are objected to because of the following informalities:

As to claim 23, line 5, "a predetermined method" is vague and unclear because there it is a method step language in an apparatus claim.

As to claim 25, line 3, "the replacement part" lacks antecedent basis.

Appropriate correction is required.

### ***Specification***

The abstract of the disclosure is objected to because the abstract is unclear as to what "the communication unit", line 11 and "the information acquisition", line 15 of page 75 are located. It does not describe the invention that is claimed in the instant invention. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirata et al. (5,890,029).

Hirata et al. discloses a copying machine 4, a DT (data terminal 1), a modem 52 having a function as a communication terminal device, and a telephone machine 53 as a communication device are provided on the user side. The DT 1 takes in various kinds

of information from copying machine 4, applies predetermined processes thereto, and transmits the same to a computer on the center side. A modem 72 having a function as a communication terminal device, a computer (a main body 90, a display 92, a keyboard 93, a printer 94 and the like), and a telephone machine 73 which is a communication device are provided on the center side, which produce data for controlling copying machines on the basis of the data received through the communication network (a telephone network, for example) to perform necessary processes. Note column 5, lines 1-18.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al. (5,890,029) in view of Asai et al. (Japan, 943).

Hirata et al., as discussed above, differs from the instant invention by not disclosing replacement part including a storage medium that can store information.

Asai et al. discloses a consumable management system that can easily handle consumables that can be attached to and detached from the body of the image forming device. A radio module having a nonvolatile memory is installed to each consumable and consumable information, such as the serial number, parts ID, working state, guarantee period, fitting/nonfitting to the image forming device, etc., of each

consumable is stored in the nonvolatile memory. The body of the image forming device communicates with the radio modules of the consumables, correlates the articles with the image forming device by processing consumable management and prepares inventory management information for managing each consumable based on the consumable info. Note abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hirata et al. with that of Asai et al. so that information of the consumables can be used more efficiently in the image forming apparatuses.

Claims 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al. (5,890,029) in view of McIntyre (6,744,998).

Hirata et al., as discussed above, differs from the instant invention by not disclosing a control unit that controls latest software for operating the image forming apparatus to be installed through the network.

McIntyre discloses a network printer having a video demonstration video, preferably using a control console of the printer to display steps to be performed by a user, by producing a video presentation. A stored selection of video clips is stored or made available, each demonstrating an operation being performed on an exemplary printer that resembles the particular printer apparatus. A video clip processor selects among the video clips and/or controls the manner of playback, based on sensed conditions and/or user input to assist the user in performing the operation. Note

abstract. One or more of the elements used to store and read out the motion picture clips as described can comprise the same sort of hardware and software elements that are used in general purpose and desktop computers, particularly with network access. Note column 37-41. More or less complicated and lengthy video clips can be accessible by downloading or streaming from remote stores 75 or a selection may be provided on a more proximate source such as a server coupled to an enterprise LAN or WAN of which the printer is an addressable node. Note column 9, lines 26-33. The video clips can be organized by subject matter in various ways, for example dealing with regular functions such as selecting certain functional categories including maintaining supplies of media such as paper and toner or other colorant; preventive maintenance steps such as dealing with paper jams and problems. Note column 8, lines 20-25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hirata et al. with that of McIntyre so that a user can be notified of how to operate the image forming apparatus in a easy manner.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al. (5,890,029) in view of Sorens et al. (6,317,848).

Hirata et al., as discussed above, differs from the instant invention by not disclosing a control unit that, in a case where trouble occurs in the image forming apparatus, controls information thereof to be transmitted to a manufacturer through the network.

Sorens et al. discloses a printer with a system for tracking and automatically communicating printer failures and usage profile aspects by way of emailing to a

number of email addresses selected by a user. One recipient of the email is the manufacturer. Note column 2, lines 10-66.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hirata et al. with that of Sorens et al. so that down time due to consumables reaching end of life can be avoided as discussed by Sorens et al. (note column 1, lines 34-41.

Claims 19-23 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-16, 33 and 34 are allowed over the prior art of record.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Atsumi et al., Kuroyanagi et al., Weinberger et al., Tomidokoro, Miyawaki, Uchida et al., Yamashita et al., and Tsuda et al. disclose art in remote monitoring of image forming apparatuses. Harumoto (Japan, 784), Suzuki ( EP 1066967 A2), Sekine (Japan, 580), and Kiyota et al. (Japan, 389) disclose art in consumables in image forming apparatuses. Akasaka et al. discloses troubleshooting device via a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan S. Lee  
Primary Examiner  
Art Unit 2852

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